

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**MEMORANDUM IN SUPPORT OF DEFENDANT’S REVISED BILL OF COSTS**

Defendant, Cognisa Security Company, Inc. (“Cognisa”), by and through its attorneys, Duane Morris LLP, submits this memorandum in support of its Revised Bill of Costs, as provided in Fed. R. Civ. P. 54 and 28 U.S.C. § 1920. Cognisa revises its Bill of Costs pursuant to the Order of the Court dated December 6, 2005 (“Order”), ordering Cognisa to file a revised Bill of Costs.

Pursuant to Federal Rule of Civil Procedure 54(d), “costs other than attorneys’ fees shall be allowed as of course to the prevailing party unless the court otherwise directs . . . .”

Accordingly, there is a heavy presumption in favor of an award of costs. See 10 MOORE’S FEDERAL PRACTICE § 54.101[1][a] (3d ed. 2000) (“the Rule creates a strong presumption that the prevailing party will recover costs under the Rule”). “The presumption is so strong that if the judgment entered by the district court is absolutely silent as to costs, the judgment is presumed to be one allowing costs.” 10 MOORE’S FEDERAL PRACTICE § 54.101[1][a] (3d ed. 2000).

Pursuant to the Court's Order, Cognisa is submitting its expenses for copying at commercial copying rates. These costs are taxable. See *Burks v. City of Philadelphia*, Civ. A.

No. 95-1636, 1998 U.S. Dist. LEXIS 9503, \*15 (E.D. Pa. June 26, 1998) (finding copying costs are taxable as long as “the copies were made in a diligent manner, based on a well founded anticipation of use at trial”).

Cognisa is entitled to these costs, as it has prevailed on its summary judgment motion.

For the reasons stated above, Cognisa respectfully requests the Court allow the \$487.00 as costs in this litigation. Cognisa reserves the right to file a Supplemental Bill of Costs for any further litigation costs incurred in this matter.

Respectfully submitted,  
COGNISA SECURITY, INC.

By its attorneys

/s/Bronwyn L. Roberts  
Bronwyn L. Roberts, BBO# 638079  
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and Co-Counsel  
(admitted *pro hac vice*)  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

	)	
<b>BEGASHAW AYELE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 04CV12217-PBS</b>
	)	
<b>COGNISA SECURITY COMPANY, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

### BILL OF COSTS

**Fees For Exemplification And Copies Of Papers  
Necessarily Obtained For Use In The Case:**

December 28, 2004	Duane Morris	Copies of Documents for filing Corporate Disclosure Report at \$0.20 per page.	\$16.00
March 31, 2005	Duane Morris	Copies of Documents for Joint Statement at \$0.20. per page.	\$11.40
April 30, 2005	Duane Morris	Copies of Documents at \$0.20 per page.	\$51.20
May 31, 2005	Duane Morris	Copies of Documents for Memorandum in Support of Motion to Compel at \$0.20 per page.	\$106.20
June 30, 2005	Duane Morris	Copies of Documents for Response of Cognisa to Motion for Extension of Time, Motion for Summary Judgment, Statement of Facts, Reply to Response to Motion to Compel Discovery at \$0.20 per page.	\$92.80

July 31, 2005	Duane Morris	Copies of Documents for Emergency Motion to Quash Subpoena Served on Compliance Network, Motion to Compel Discovery on Third Party and Opposition to Motion for Summary Judgment, Motion for Compelling Discovery on Third Party at \$0.20 per page.	\$90.00
August 31, 2005	Duane Morris	Copies of Documents for Motion to Quash and For a Protective Order at \$0.20 per page.	\$81.00
September 30, 2005	Duane Morris	Copies of Documents filed by Mr. Ayele at \$0.20 per page.	\$38.40
		<b>TOTAL</b>	<b>\$487.00</b>

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**BEGASHAW AYELE,**

**Plaintiff,**

**V.**

**Civil Action No.: 04CV12217-PBS**

**COGNISA SECURITY COMPANY, INC.,**

**Defendant.**

**AFFIDAVIT OF BRONWYN L. ROBERTS**  
**IN SUPPLEMENTATION OF AND SUPPORT FOR DEFENDANT,**  
**COGNISA SECURITY COMPANY, INC.'S REVISED BILL OF COSTS**

Bronwyn L. Roberts, being duly sworn, deposes and says:

1. I, Bronwyn L. Roberts, am a attorney at Duane Morris LLP, counsel for Defendant Cognisa Security Company, Inc. (“Cognisa”) in the above-entitled action.

2. The items contained in the above Memorandum and Bill of Costs attached hereto are correct to the best of the affiant's knowledge and belief.

3. The disbursements have been necessarily incurred in the case.

4. The services for which fees charged have been actually and necessarily performed.

/s/Bronwyn L. Roberts

Bronwyn L. Roberts

COMMONWEALTH OF MASSACHUSETTS  
SUFFOLK, ss

On this 9<sup>th</sup> day of December, 2005, before me, the undersigned notary public, personally appeared Bronwyn L. Roberts, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

/s/ Virginia L. Weeks

Notary Public: Virginia L. Weeks

My commission expires: May 28, 2010

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**BEGASHAW AYELE,**

**Plaintiff,**

**V.**

**COGNISA SECURITY COMPANY, INC.,**

**Defendant.**

**Civil Action No.: 04CV12217-PBS**

## CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

I further certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

Begashaw Ayele  
261 O'Callaghan Way #816  
South Boston, MA 02127

/s/Bronwyn L. Roberts

Bronwyn L. Roberts  
Attorney for Defendant